

# **MINUTES OF THE OPEN SESSION OF THE RHODE ISLAND ETHICS COMMISSION**

**April 18, 2006**

**The Rhode Island Ethics Commission held its 8th meeting of 2006 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, April 18, 2006, pursuant to the notice published at the Commission Headquarters and at the State House Library.**

**The following Commissioners were present:**

**James Lynch, Sr., Chair\* James V. Murray\***

**Barbara Binder, Vice Chair Patricia M. Moran\***

**George E. Weavill, Jr., Secretary James C. Segovis**

**Richard E. Kirby\* Ross Cheit**

**Also present were Kathleen Managhan, Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Staff Attorney/Education Coordinator; Staff Attorneys Dianne Leyden and Macall Robertson; and, Commission Investigator Peter J. Mancini.**

**At approximately 9:12 a.m., the Chair opened the meeting.**

**The first order of business was to approve the minutes of the Open Session held on April 4, 2006. Upon motion made by Commissioner Binder, duly seconded by Commissioner Segovis, it was**

**VOTED: To approve the minutes of the Open Session held on April 4, 2006.**

**AYES: James Lynch, Sr., Barbara Binder, George E. Weavill, Jr., James C. Segovis, and Ross Cheit.**

**ABSTENTIONS: James V. Murray and Patricia M. Moran.**

**\* At approximately 9:14 a.m., Commissioner Kirby arrived.**

**At approximately 9:14 a.m., upon motion made by Commissioner Weavill, duly seconded, it was unanimously**

**VOTED: To go into Executive Session pursuant to R.I. Gen. Laws § 42-46-5 (a)(4), to wit:**

- a.) To approve the minutes of Executive Session held on April 4, 2006.**
- b.) In re: Stephen Durkee, Complaint No. 2005-21.**

**AYES: James Lynch, Sr., Barbara Binder, George E. Weavill, Jr., Richard E. Kirby, James V. Murray, Patricia M. Moran, James C. Segovis, and Ross Cheit.**

**\* At approximately 10:09 a.m., during Executive Session, Commissioner Moran left the meeting.**

**At approximately 10:11 a.m., the Commission returned to Open Session.**

**The next order of business was to seal the minutes of the Executive Session held on April 18, 2006. Upon motion made by Commissioner Weavill, duly seconded by Commissioner Binder, it was unanimously**

**VOTED: To seal the minutes of the Executive Session held on April 18, 2006.**

**AYES: James Lynch, Sr., Barbara Binder, George E. Weavill, Jr., Richard E. Kirby, James V. Murray, James C. Segovis, and Ross Cheit.**

**Chair Lynch reported out that in Executive Session the Commission voted:**

**a.) To approve the minutes of the Executive Session held on April 4, 2006; and**

**b.) To dismiss In re: Stephen Durkee, Complaint No. 2005-21,**

**because no probable cause was found under R.I. Gen. Laws §§ 5(a) or 5(d).**

**The next order of business was advisory opinions. The advisory opinions were based on draft advisory opinions prepared by the Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date.**

**The first advisory opinion was that of John St. George, Chief of the Manville Fire Department. The petitioner was not present. Staff Attorney Gramitt presented the Commission Staff recommendation. In response to Commissioner Weavill, Staff Attorney Gramitt informed that although the Chairman of the Manville Fire District submitted the advisory opinion request, the petitioner accepted all the representations in the request letter and is submitting written confirmation of same.**

**Upon the motion made by Commissioner Segovis, duly seconded by Commissioner Kirby, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to John St. George, Chief of the Manville Fire Department.**

**AYES: James Lynch, Sr., Barbara Binder, George E. Weavill, Jr., Richard E. Kirby, James V. Murray, James C. Segovis, and Ross Cheit.**

**The next advisory opinion was that of Andrea M. Iannazzi, a Cranston School Committee member. The petitioner was not present. Senior Staff Attorney D'Arezzo presented the Commission Staff recommendation. In response to Commissioner Weavill, Senior Staff Attorney D'Arezzo informed that the petitioner made no representations about whether any Academy staff members are also members of the Local. She stated that her research indicated that Academy staff are Cranston public school teachers.**

**Upon motion made by Commissioner Binder, duly seconded by Commissioner Kirby, it was**

**VOTED: To issue an advisory opinion, attached hereto, to Andrea M. Iannazzi, a Cranston School Committee member.**

**AYES: James Lynch, Sr., Barbara Binder, George E. Weavill, Jr., Richard E. Kirby, James V. Murray, James C. Segovis, and Ross Cheit.**

**\* At approximately 10:20 a.m., Chair Lynch and Commissioner Murray left the meeting.**

**The next order of business was a Legislative Update. Staff Attorney Gramitt informed that last week a bill was submitted by Common Cause to change the appointment of the Commission. He informed**

that the Senate will be considering it and that he has not specifically reviewed it yet, but that historically the Commission has not taken a position on such proposals.

**\* At approximately 10:22 a.m., Chair Lynch returned to the meeting.**

Commissioner Binder suggested sending the advisory opinion issued to John St. George to all Rhode Island fire districts for reference. Staff Attorney Gramitt commented that there are a lot of advisory opinions on fire districts and that it may be time to put together a packet of advisory opinions on the subject. Commissioner Kirby pointed out that such individuals do not see themselves as subject to the Code of Ethics.

The next order of business was discussion of Commission Regulations. Chair Lynch stated that the Commission will review the subcommittees' proposals on May 16th.

**\* At approximately 10:25 a.m., Commissioner Kirby left the meeting.**

Commissioner Binder stated that Subcommittee B will hopefully have language after it's meeting today. Chair Lynch informed that the nepotism proposal drafted by Subcommittee B will include members of a household. In response to Legal Counsel Managhan, Staff Attorney Gramitt provided the proposed definition of household member.

The next order of business was the Director's Report. Executive Director Willever reported on the pending advisory opinions and complaints. He informed that the Commission Staff is receiving training through state programs and that the financial disclosure deadline is soon approaching.

\* At approximately 10:30 a.m., Commissioner Kirby returned to the meeting.

The next order of business was New Business. The Commission discussed electronically recording Commission meetings. Commissioner Binder expressed her support for taping the meetings and keeping the tapes until the minutes are approved. Chair Lynch agreed and stated that if the meetings are taped he would expect the minutes to contain only what is important, not everything that happened in the meeting. In response to Commissioner Weavill, Legal Counsel Managhan expressed that she had no opinion on taping the meetings, but noted that there will be an expense associated with taping and that the members may have to use microphones. Commissioner Kirby stated that he did not want to have a microphone.

At the Commission's request, H. Philip West, Executive Director of Common Cause of Rhode Island, provided information on using an iPod to make digital recordings. Staff Attorney Gramitt informed that

the Retirement Board tape records their meetings and uses microphones placed on the table. Commissioner Cheit pointed out that microphones will still miss some statements and noted that transcripts often contain the word “inaudible.” He stated that the tape should only be used if a question arises. Commissioner Binder inquired whether taping would raise problems in a litigation context and whether it could hamper discussion. Commissioner Cheit noted that it is not easy to tell who is speaking when the minutes are taped. Commissioner Binder pointed out that a retention policy would have to be created for the tapes. Legal Counsel Managhan commented that since taping is not required, retention of the tapes would not be required. Chair Lynch asked the Staff to research the issue and provide input at the next meeting. Commissioner Segovis asked the Staff to consider what method of recording would be most cost effective.

At approximately 10:38 a.m., upon motion made by Commissioner Weavill, duly seconded by Commissioner Binder, it was unanimously

**VOTED:** To adjourn the meeting.

**AYES:** James Lynch, Sr., Barbara Binder, George E. Weavill, Jr., Richard E. Kirby, James C. Segovis, and Ross Cheit.



**Respectfully submitted,**

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**George E. Weavill, Jr.**  
**Secretary**